

Introduced by Senator Liu

February 18, 2010

An act to amend Sections 33000, 33030, 33031, 33032, 33111, and 33301 of, to add Chapter 1.7 (commencing with Section 33090) to Part 20 of Division 2 of Title 2 of, and to repeal Section 33034 of, the Education Code, relating to education governance.

LEGISLATIVE COUNSEL'S DIGEST

SB 1186, as introduced, Liu. Education governance.

(1) Existing law establishes the State Board of Education to adopt policies, and to establish rules and regulations, not inconsistent with the laws of the state, to govern the public elementary and secondary schools of the state. Existing law provides that the state board consists of 10 members, who are appointed by the Governor to 4-year terms with the advice and consent of $\frac{2}{3}$ of the Senate. Existing law also provides for the appointment by the Governor, with the advice and consent of $\frac{2}{3}$ of the Senate, of a student member to a single one-year term commencing on August 1. Existing law authorizes the state board to issue subpoenas to compel the attendance of witnesses before the board, or before any member of the board, in the same manner as any court in the state.

This bill would require that the 10 nonstudent appointees to the state board represent, and reside in, distinct geographical areas of the state, reflect the ethnic and gender diversity of the state's population, and represent the various disciplines active in the public education system.

The bill would eliminate the authority of the state board to establish statewide educational policy and issue rules and regulations for the governance of public elementary and secondary schools. The bill would instead provide that the state board, working with the Secretary of

Education, whose office would be established by this bill, would advise the Governor on education policy.

The bill would eliminate the authority of the state board to issue subpoenas to compel the attendance of witnesses.

(2) Existing law requires the Superintendent of Public Instruction, among other things, to execute, under the direction of the State Board of Education, the policies decided upon by the state board.

This bill would eliminate the requirement that the State Department of Education execute policies of the State Board of Education. The bill would instead define the function of the Superintendent as ensuring the delivery of high-quality education to the pupils of the state who attend preschool, kindergarten, and grades 1 to 12, inclusive.

The bill would establish the Secretary of Education as a cabinet-level officer, appointed by the Governor with the advice and consent of $\frac{2}{3}$ of the Senate, to work together with the state board to advise the Governor on education policy.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) President Obama has called on states to move forward
4 aggressively on education reform. The approval by Congress of
5 the Race to the Top competitive grant funds echoes this call, and
6 funds will go to states that are leading the way with ambitious yet
7 achievable plans for implementing coherent, compelling, and
8 comprehensive education reform.

9 (b) The United States House of Representatives has passed
10 legislation that contains an Early Learning Challenge Fund, which
11 is an \$8 billion, eight-year investment in early learning programs.

12 (c) Superintendent of Public Instruction Jack O'Connell has
13 highlighted California's persistent achievement gap among
14 different demographic groups of pupils.

15 (d) California has a high school completion rate of 75 percent.
16 About 60 percent of California high school graduates enter
17 community college or a four-year college.

1 (e) Recent studies have criticized California's governance
2 system for lacking transparency, and being overly complex,
3 inefficient, and ineffective.

4 (f) In order for California to make headway in closing the
5 student achievement gap and to be competitive in seeking federal
6 Race to the Top program funds, and other federal education
7 programs and improvement funds, the state must have an effective,
8 functional, and streamlined governance system in place.

9 SEC. 2. Section 33000 of the Education Code is amended to
10 read:

11 33000. (a) There is in the state government a State Board of
12 Education, consisting of 10 members, who are appointed by the
13 Governor with the advice and consent of two-thirds of the Senate.

14 (b) *Appointees to the state board shall do all of the following:*

15 (1) *Represent and reside in distinct geographical regions of the*
16 *state.*

17 (2) *Reflect the ethnic and gender diversity of the state's*
18 *population.*

19 (3) *Represent the array of disciplines active in the public*
20 *education system, including, but not necessarily limited to,*
21 *teachers, principals, school district administrators and financial*
22 *officers, charter school administrators, and employees of county*
23 *offices of education and school district governing boards.*

24 SEC. 3. Section 33030 of the Education Code is amended to
25 read:

26 33030. The board *together with the Secretary of Education,*
27 ~~shall determine all questions of,~~ *advise the Governor on education*
28 ~~policy within its powers.~~

29 SEC. 4. Section 33031 of the Education Code is amended to
30 read:

31 33031. (a) The *state* board shall adopt rules and regulations
32 not inconsistent with the laws of this state—~~(a) for its own~~
33 ~~government, (b) for the government of its appointees and~~
34 ~~employees, (c) for the government of the day and evening~~
35 ~~elementary schools, the day and evening secondary schools, and~~
36 ~~the technical and vocational schools of the state, and (d) for the~~
37 ~~government of other schools, excepting the University of~~
38 ~~California, the California State University, and the California~~
39 ~~Community Colleges, as may receive in whole or in part financial~~
40 ~~support from the state procedures.~~

1 The
2 (b) The rules and regulations adopted by the state board under
3 this section shall be published for distribution as soon as practicable
4 after adoption.

5 SEC. 5. Section 33032 of the Education Code is amended to
6 read:

7 33032. The state board shall study the educational conditions
8 and needs of the state. ~~It shall, and~~ make plans for the improvement
9 of the administration and efficiency of the public schools of the
10 state. *The state board shall report the results of its study, and any*
11 *plans that it makes under this section, to the Governor in the report*
12 *required by Section 33037.*

13 SEC. 6. Section 33034 of the Education Code is repealed.

14 ~~33034. The board shall issue subpoenas to compel the~~
15 ~~attendance of witnesses before the board, or any member thereof,~~
16 ~~in the same manner as any court in this state. Whenever the~~
17 ~~testimony of any witness upon any matter pending before it is~~
18 ~~material, the president shall cause the attendance of the witnesses~~
19 ~~before the board, or a member of the board, to testify concerning~~
20 ~~the matter, and the board may make a reasonable allowance for~~
21 ~~this purpose not exceeding the fees of witnesses in civil cases. The~~
22 ~~allowance shall be paid for out of the appropriation for the expense~~
23 ~~of the board, but in no instance shall an allowance be made in favor~~
24 ~~of a witness who appears in behalf of a claimant. The provisions~~
25 ~~of this section shall not apply to proceedings conducted in~~
26 ~~accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the~~
27 ~~Government Code.~~

28 SEC. 7. Chapter 1.7 (commencing with Section 33090) is added
29 to Part 20 of Division 2 of Title 2 of the Education Code, to read:

30
31 CHAPTER 1.7. SECRETARY OF EDUCATION
32

33 33090. There is in the state government a Secretary of
34 Education, a cabinet-level officer who shall, together with the State
35 Board of Education, advise the Governor on education policy. The
36 Secretary of Education shall be appointed by the Governor with
37 the advice and consent of two-thirds of the Senate. The Secretary
38 of Education shall develop and recommend fiscal and governance
39 incentives that promote sharing and consolidation of educational
40 services among school districts and county offices of education.

SEC. 8. Section 33111 of the Education Code is amended to read:

33111. The Superintendent of Public Instruction shall ~~execute, under direction of the State Board of Education, the policies which have been decided upon by the board and shall direct, under general rules and regulations adopted by the State Board of Education, the work of all appointees and employees of the board.~~ *ensure the delivery of high-quality education to the pupils of the state who attend preschool, kindergarten, and grades 1 to 12, inclusive. The responsibilities of the Superintendent shall include, but not necessarily be limited to, all of the following:*

- (a) Establishing educational expectations for pupils.*
- (b) Apportioning resources to schools.*
- (c) Managing statewide educational and financial accountability programs.*
- (d) Overseeing school district fiscal audit reviews.*
- (e) Serving as the independent spokesperson for California's populace and pupils.*
- (f) Facilitating educational accountability by administering and promoting the effective use of data to measure and improve pupil learning. Educational accountability shall include, but not necessarily be limited to, all of the following:*
 - (1) Measuring pupil and institutional performance to ensure adequate and equitable education and compliance with special education and civil rights law.*
 - (2) Monitoring the implementation of state and federal programs.*
 - (3) Identifying schools that fail to meet pupil achievement targets.*
 - (4) Defining and implementing intervention strategies for schools that fail to meet pupil achievement targets.*

SEC. 9. Section 33301 of the Education Code is amended to read:

33301. The Department of Education shall be administered through:

- ~~(a) The State Board of Education which shall be the governing and policy determining body of the department.~~

- 1 ~~(b) The~~ *the* Director of Education, in whom all executive and
- 2 administrative functions of the department are vested, and who is
- 3 the executive officer of the State Board of Education.